IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 154 of 2004 (M/B)

Ram Kumar ……. Petitioner

Versus

State of Uttaranchal & others ……. Respondents

&

Writ Petition No. 145 of 2004 (M/B)

Smt. Kominta & others ……. Petitioners

Versus

State of Uttaranchal & others ……. Respondents

Hon. P.C. Verma, A.C.J.
Hon. M.M. Ghildiyal, J.

Hearnd Mr. Pankaj Miglani, learned counsel for the petitioners and learned Government Advocate.

By means of both the writ petitions, the petitioners seek quashing of FIR lodged in case crime No. 267 of 2003 under section 198-A / 323 / 504 / 506 of IPC.

This FIR has been lodged on the orders of the Magistrate under section 156(3), therefore, the FIR cannot be quashed. However, the petitioners have a remedy to file a revision before the Civil Court. The petitioners may avail their remedy under law.

Since, the FIR cannot be quashed under Article 226 of the Constitution, therefore, we are not inclined to stay the arrest of the petitioners in these writ petitions. However, it is provided that the petitioners, if apply for bail, it shall be considered and disposed of within 2 days from the date of its filing.

Subject to above, the writ petitions are dismissed.

(P.C. Verma, A.C.J.)
(M.M. Ghildiyal, J.)

Dt. 26.02.2004.
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